

REMARKS

Claims 13-34 are pending. Claims 13, 22, and 26 are presently amended. No new matter has been added; all amendments to the claims are supported by the original disclosure. Reconsideration of the application is respectfully requested in light of the Amendment and the following remarks.

Rejection of Claims under 35 U.S.C. § 103(a)

Claims 13-34 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over the proposed combination of U.S. Patent No. 5,675,752 ("Scott") and U.S. Patent No. 5,099,422 ("Foresman"). The rejection is traversed for at least the following reasons.

Scott teaches an interactive presentations generator for use in interactive television, as one example. It is a user-based system in which a user is presented with a graphic user interface to design a physical outlay of a presentation to be viewed. The user picks and chooses options from a menu arrangement for selecting the physical location of items to be displayed. Scott is focus around the need for a cost-effective and user-friendly interface designed to assist a content provider in creating interactive presentations.

Applicants respectfully submit that one skilled in the art would not combine the Scott and Foresman references because, in part, the systems taught by the references are non-analogous. Scott teaches a software tool to facilitate a content provider to create interactive presentations (such as interactive television) while Foresman discloses methods and systems for pre-recording customized in formation on to video-tape. Scott seeks to solve the problem of reducing cost and difficulty in creating large amounts of interactive software (i.e., an intuitive user-interface). Foresman is concerned with efficiently determining and recording customized media-rollouts on analog video-tape devices through automation. There is nothing in either reference that would lead one skilled in the art to look to the other to solve the problems each reference seeks to overcome. Neither is there any objective evidence in the references that would warrant combining such disparate technologies. In order to combine two references there must be some link, or evidence, that suggests the references would be combined by one skilled in the art at the time of the invention. Foresman is largely silent one the topic of its user-interface, while that is the entirety of the Scott disclosure. The references are fundamentally different that one skilled in the art would not think to combine them.

Applicants maintain its traversal of the rejection however, in order to advance prosecution, claims 13, 22 and 26 have been amended herein to recite “distributing, contemporaneously with filling said video and audio slots, said customized video commercial to said target audience” (emphasis added). Applicants submit that neither Scott nor Foresman, alone or in combination, disclose or suggest a system or method of distributing customized video commercials assembled in a template contemporaneously with the distribution of said messages.

As explained in the specification:

[A]dvantages [of an embodiment] include the automated real-time creation of the message, which solves problems of timeliness and personal privacy. Computers, not humans compose the final form of the ad from the raw materials and previously generated templates. Page 7, ll. 24-26

The media messages may be assembled at any time during the process, anywhere from the time the message template and media segments are created, or up to and including real-time delivery where the media message is created and shown to the individual. Page 8, ll. 19-21.

[M]essage creation time 58 and message delivery time 64 may be contemporaneous, in that the message is created on the fly, or “just in time”. Page 12, ll. 5-6.

Another sub-process 302 provides the ability to synthesize, on the fly, artificial speech and visual constructs to meet the individual specifications indicated by the different entity profiles. Page 16, ll. 25-27

Both Scott and Foresman require pre-assembly at a time prior to distribution. In Scott, an interactive presentation program is disclosed in which a human user must select media frames and other options to generate a presentation for a later distribution. In fact, Scott does not teach the distribution of the presentation to a viewer, but rather teaches an interactive system to create a presentation.

Similarly, Foresman does not disclose or contemplate distributing media contemporaneously with the assembly of its media. Such a feat is impossible under Foresman as the only method of distribution taught is recording rollouts onto fixed tape media.

Applicants respectfully submit that independent claims 13, 22 and 26 are patentably distinct from the cited references and in condition for allowance because neither of the cited

references, alone or in combination, disclose each and every element of the recited claims as arranged in the claims. Applicants further submit that dependent claims 14-21, 23-25, and 27-34 are also patentably distinct and in condition for allowance by virtue of their dependence on allowable base claims.

CONCLUSION

Accordingly, for at least the reasons outlined above, Applicants submit that the claims are in condition for allowance and request a favorable action in the form of a Notice of Allowance.

Respectfully submitted,

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